



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

April 18, 2017

Arnie Peterson, Manager
Rolling Green Utilities, Inc.
139 Elmcrest Drive
Big Pine, CA 93513
rollinggreenutilities@gmail.com

CITATION NO. 05-13-17C-011 CONSUMER CONFIDENCE REPORT VIOLATION FOR THE 2015 CONSUMER CONFIDENCE REPORT, ROLLING GREEN UTILITIES, INC. (SYSTEM NO. 1400010)

Enclosed is a Citation issued to the Rolling Green Utilities, Inc. public water system (hereinafter "System").

The System will receive a bill sent from the State Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the System for the current fiscal year.

If you have any questions regarding this matter, please contact Hector Cazares of my staff at 909-383-4312 or me at 909-383-4328.

Sincerely,

Eric J. Zúñiga, P.E.
District Engineer
San Bernardino District
Southern California Field Operations Branch

Enclosure: Citation No. 05-13-17C-011

Certified Mail No. 7006 2150 0004 3940 8218

cc: Kathe Barton, Inyo County DEHS, via email at kbarton@inyocounty.us

California Public Utilities Commission, Attn: Water Division
505 Van Ness Avenue
San Francisco, CA 94102

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

464 W. 4th Street, #437, San Bernardino, CA 92401 | www.waterboards.ca.gov

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Rolling Green Utilities, Inc.

Water System No: 1400010

Attention: Arnie Peterson, Manager

139 Elmcrest Drive

Big Pine, CA 93513

Issued: April 18, 2017

CITATION FOR NONCOMPLIANCE
CONSUMER CONFIDENCE REPORT VIOLATION
CALIFORNIA CODE OF REGULATION, TITLE 22, SECTION 64481
FOR THE 2015 CONSUMER CONFIDENCE REPORT

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Board") to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

1 The State Board, acting by and through its Division of Drinking Water
2 (hereinafter "Division") and the Deputy Director for the Division, hereby
3 issues this citation pursuant to Section 116650 of the CHSC to the Rolling
4 Green Utilities, Inc. public water system (hereinafter "System") for violation
5 of Section 64481.

6
7 A copy of the applicable statutes and regulations are included in Appendix 1,
8 which is attached hereto and incorporated by reference.

9
10 **STATEMENT OF FACTS**

11 The System is classified as a community water system with a population of
12 800, serving 285 connections. The System issued its 2015 Consumer
13 Confidence Report to customers on December 20, 2016. The 2015
14 Consumer Confidence Report did not report information in regards to the
15 Total Coliform Rule Maximum Contaminant Level violations that occurred in
16 2015. During 2015, the System exceeded the Total Coliform Rule Maximum
17 Contaminant Level (TCR MCL) due to positive total coliform bacteriological
18 samples taken during June 2015. As a result of the TCR MCL violation, the
19 Division issued Citation No. 05-13-15C-004 on July 29, 2015. The 2015
20 Consumer Confidence Report that was issued on December 20, 2016 cited
21 zero (0) TCR MCL violations.

22
23 **DETERMINATION**

24 CCR, Title 22, Section 64481, Content of the Consumer Confidence Report
25 states that for the year covered by the report a public water system is
26 required to identify any data indicating violations of MCL regulatory action
27 levels, including those for total coliform violations. The System failed to
28 report the TCR MCL violation that occurred during June 2015 within the

2015 Consumer Confidence Report. Therefore, the System violated the Consumer Confidence Report requirements of Title 22, California Code of Regulations (CCR), 64481 for the 2015 Consumer Confidence Report.

DIRECTIVES

The System is hereby directed to take the following actions:

1. By **May 19, 2017**, the System shall distribute a revised copy of the 2015 Consumer Confidence Report to each of its customers and shall provide the Division with a copy of the report.
2. By **May 31, 2017**, the System shall complete and submit the attached Consumer Confidence Report Certification Form to the Division (Appendix 2).
3. No later than **July 1, 2017**, the System is required to distribute the 2016 Consumer Confidence Report to its customers and provide an electronic copy to the Division. The report must satisfy all requirements specified in Sections 64480 to 64483, Title 22, CCR. Note that all of the violations that the system incurred during the 2016 calendar year must be properly reported, including the violation incurred by this citation. The attached Consumer Confidence Report Certification Form must be submitted to the Division (Appendix 2).

All submittals required by this Citation shall be electronically submitted to the Division at the following address. The subject line for all electronic submittals corresponding to this citation shall include the following information: Water System name and number, citation number and title of the document being submitted.

Eric J. Zúñiga, P.E.
District Engineer
San Bernardino District
Dwpdist13@waterboards.ca.gov

The State Board reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the System of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

PARTIES BOUND

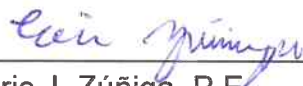
This Citation shall apply to and be binding upon the System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this Citation.


Eric J. Zúñiga, P.E.
District Engineer
San Bernardino District
Southern California Field Operations Branch

Date

4/18/17

**Appendices (2):**

1. Applicable Statutes and Regulations
2. Proof of Customer Notification Form

Certified Mail No. 7006 2150 0004 3940 8218

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 05-13-17C-011

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 states in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

- (k)
- (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
 - (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116555 states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116650 states in relevant part:

(a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water

system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

California Code of Regulations, Title 22 (CCR):

Section 64481. Content of the Consumer Confidence Report--Nitrate and Nitrite states in relevant part:

(c) If any of the following are detected, information for each pursuant to subsection (d) shall be included in the Consumer Confidence Report:

- (1) Contaminants subject to an MCL, regulatory action level, MRDL, or treatment technique (regulated contaminants), as specified in sections 64426.1, 64431, 64442, 64443, 64444, 64448, 64449, 64533, 64533.5, 64536, 64536.2, 64653 and 64678;
- (2) Contaminants specified in 40 Code of Federal Regulations part 141.40 (7-1-2007 edition) for which monitoring is required (unregulated contaminants);
- (3) Microbial contaminants detected as provided under subsection (e); and
- (4) Sodium and hardness.

(d) For contaminants identified in subsection (c), the water system shall include in the Consumer Confidence Report one table or several adjacent tables that have been developed pursuant to this subsection. Any additional monitoring results that a water system chooses to include in its Consumer Confidence Report shall be displayed separately.

(1) The data in the table(s) shall be derived from data collected to comply with U.S. Environmental Protection Agency (USEPA) and State Board monitoring and analytical requirements during calendar year 2000 for the first Consumer Confidence Report and subsequent calendar years thereafter. Where a system is allowed to monitor for regulated contaminants less often than once a year, the table(s) shall include the date and results of the most recent sampling and the Consumer Confidence Report shall include a brief statement indicating that the data presented in the table(s) are from the most recent testing done in accordance with the regulations. No data older than 9 years need be included.

(2) For detected regulated contaminants referenced in subsection (c)(1), the table(s) shall include:

- (A) The MCL expressed as a number equal to or greater than 1.0;
- (B) For a primary MCL, the public health goal (PHG) in the same units as the MCL; or if no PHG has been set for the contaminant, the table shall include the USEPA maximum contaminant level goal in the same units as the MCL;
- (C) For a detected contaminant that does not have an MCL, the table(s) shall indicate whether there is a treatment technique or specify the regulatory action level or MRDL (and MRDLG) applicable to that contaminant, and the Consumer Confidence Report shall include the appropriate language specified in subsection (b);
- (D) For detected contaminants subject to an MCL, except turbidity and total coliforms, the sample result(s) collected at compliance monitoring sampling points shall be reported in the same units as the MCL as follows:

1. When compliance is determined by the results of a single sample, an initial sample averaged with one or two confirmation sample(s), or an average of four quarterly or six monthly samples, results shall be reported as follows:

- A. For a single sampling point, or multiple sampling points for which data is being individually listed on the Consumer Confidence Report: the sample result and, if more than one sample was collected, the average and range of the sample results;
- B. For multiple sampling points, each of which has been sampled only once and for which data is being summarized together on the Consumer Confidence Report: the average and range of the sample results. If the waters from the sampling points are entering the distribution system at the same point, a flow-weighted average may be reported; and
- C. For multiple sampling points, one or more of which has been sampled more than once and for which data is being summarized together on the Consumer Confidence Report: the average of the individual sampling point averages and range of all the sample results. If the waters from the sampling points are entering the distribution system at the same point, a flow-weighted average may be reported.

2. When compliance with the MCL is determined by calculating a running annual average of all samples taken at a monitoring location:

A. The highest running annual average of the monitoring location and the range of sample results or, if monitoring locations are summarized together for the Consumer Confidence Report, the highest running annual average of any of the monitoring locations and the range of sample results from all the monitoring locations; and

B. For TTHM and HAA5 monitored pursuant to section 64534.2(d): the highest locational running annual average (LRAA) for TTHM and HAA5 and the range of individual sample results for all monitoring locations. If more than one location exceeds the TTHM or HAA5 MCL, include the LRAA for all locations that exceed the MCL.

3. When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all monitoring location averages: the highest running annual average and the range of sample results from all the sampling points.

4. When compliance with the MCL is determined on the basis of monitoring after treatment installed to remove a contaminant: the average level detected in the water entering the distribution system and the range of sample results; and

5. If an MCL compliance determination was made in the year for which sample results are being reported and that determination was based on an average of results from both the previous and reporting years, then the compliance determination average shall be reported, but the range shall be based only on results from the year for which data is being reported.

(E) For turbidity:

1. When it is reported pursuant to the requirements of section 64652.5 (filtration avoidance): the highest value; and

2. When it is reported pursuant to section 64653 (filtration): the highest single measurement based on compliance reporting and the lowest monthly percentage of samples meeting the turbidity limits specified in section 64653 for the filtration technology being used;

(F) For lead and copper: the 90th percentile value of the most recent round of sampling, the number of sites sampled, and the number of sampling sites exceeding the action level;

(G) For total coliform:

1. The highest monthly number of positive samples for systems collecting fewer than 40 samples per month; or

2. The highest monthly percentage of positive samples for systems collecting at least 40 samples per month.

(H) For fecal coliform or E. coli: the total number of positive samples during the year; and

(I) The likely source(s) of any detected contaminants having an MCL, MRDL, regulatory action level, or treatment technique. If the water system lacks specific information on the likely source, the table(s) shall include one or more of the typical sources for that contaminant listed in appendix 64481-A or 64481-B that are most applicable to the system.

(3) The table(s) shall clearly identify any data indicating violations of MCLs, regulatory action levels, MRDLs, or treatment techniques and the Consumer Confidence Report shall give information on each violation including the length of the violation, potential adverse health effects (PDWS only), and actions taken by the system to address the violation. To describe the potential health effects, the system shall use the relevant language pursuant to appendices 64465-A through H; and

(4) For detected unregulated contaminants for which monitoring is required (except Cryptosporidium), the table(s) shall contain the average and range at which the contaminant was detected.

